

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DONALD A. CARROLL

Plaintiff,

v.

CLIFFORD TOWNSHIP, DENNIS

KNOWLTON, Individually and in his Official Capacity as Chairman/Supervisor, and CHRIS MARCHO, Individually and in his Official Capacity as Supervisor,

Defendants.

CIVIL ACTION NO. 3:12-0553

(JUDGE CAPUTO)

ORDER

NOW, this 10th day of August, 2012, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. 9) is **GRANTED in part and DENIED in part** as follows:

- (1) Defendants' motion to dismiss all claims against Clifford Township is **GRANTED**. All claims against Clifford Township are **dismissed without prejudice**.
- (2) Defendants' motion to dismiss Counts I, III, and IV of the Amended Complaint is **GRANTED**. Counts I, III, and IV of the Amended Complaint are **dismissed without prejudice**.
- (3) Defendants' motion to dismiss Count II of the Amended Complaint against individual Defendants is **DENIED**.
- (4) Plaintiff has **twenty-one (21) days** from the date of entry of this Order to file a Second Amended Complaint to properly plead his claims against Defendant Clifford Township and his retaliation claims against individual Defendants; otherwise, the claims will be **dismissed with prejudice**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge